

Assembly Bill No. 79

CHAPTER 409

An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 9, 2004. Filed with Secretary of State September 9, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 79, Dutra. Written reports: preparation.

(1) Existing law requires various written reports to be prepared and submitted by state and local agencies to the Legislature or the Governor.

This bill would, until January 1, 2008, provide that a public agency, as defined, may, but is not required to prepare or submit any written report to the Legislature, the Governor, or any state legislative or executive body unless any one of specified conditions is met or the report is required to be prepared and submitted pursuant to this bill. This bill would provide that its provision requiring that specified reports by the California Environmental Protection Agency be prepared and submitted become operative only if AB 2701 is enacted and becomes operative.

This bill would provide that its provisions may not be construed to require resubmission of a one-time report that is required by statute if that report already has been submitted as required.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 7550.5 is added to the Government Code, to read:

7550.5. (a) For purposes of this section:

(1) "Public agency" means any state or local agency or district, including, but not limited to, a school district, the University of California, the California State University, and the California Community Colleges.

(2) "Written report" means a document that a statute requires to be prepared and submitted to the Legislature, the Governor, or any state legislative or executive body.

(b) Notwithstanding any other provision of law, a public agency may, but is not required to, prepare or submit any written report to the

Legislature, the Governor, or any state legislative or executive body unless the report is specified in subdivision (c) or any of the following has occurred:

(1) The report is required, in whole or in part, by a court order, federal law, or federal regulation.

(2) The report is required in the annual Budget Act or in any accompanying supplemental budget report prepared by the Legislative Analyst.

(3) The Legislature expressly provides that, notwithstanding this section, a written report shall be prepared and submitted.

(4) The report is necessary for the preparation of the annual Budget Act or the implementation of that act, as determined by the Department of Finance.

(5) The report is required pursuant to Division 1.2 (commencing with Section 473) of the Business and Professions Code or is required by statute for any entity governed by Division 2, 3, or 8 of the Business and Professions Code.

(c) Reports shall be prepared and submitted pursuant to the following provisions of law:

(1) Sections 806, 4425, 4996.22, 4999.8, 6086.15, 6095, 6145, 6177, 7011.8, 7021, 7139.7, 19441, and 19617.4 of the Business and Professions Code.

(2) Sections 5930, 14030.2, and 14076 of the Corporations Code.

(3) Sections 408, 425, 8007, 8236, 8261, 8278.3, 8359, 8451, 11023, 12141, 12142, 12510, 14502, 14508, 17078.66, 17199.4, 22217, 22218.5, 22311.5, 22324, 22352, 22362, 24400, 25933, 25950, 32296.1, 33053, 33126, 33126.1, 33328, 33595, 35256, 35294.14, 37252.1, 37670, 41020.6, 41320, 41320.3, 41339, 41407, 42263, 42269, 42923, 42925, 44225.6, 44238, 44252.1, 44252.9, 44253.10, 44257.4, 44258.9, 44259.5, 44259.8, 44279.2, 44306, 44329, 44393, 44403, 44507, 44516, 44735, 47602, 47614.5, 47616.5, 47773, 48005.45, 48200.7, 48200.8, 48664, 49082, 49436, 51728, 51745.1, 52042, 52052, 52055.640, 52055.656, 52058, 52171.6, 52184, 52243, 52247, 52314, 52902.5, 54006, 56494, 56867, 58560, 60630, 60800, 60830.7, 60852.5, 60855, 60900, 62000.14, 63053, 64201, 66015.7, 66742, 66743, 66755, 66903, 66941, 67312, 67359, 67359.16, 67380, 69437.7, 69506.5, 69508, 69529.5, 69532, 69561.5, 69563, 69615.4, 69618.8, 69655, 69989, 71020, 71027, 71051, 78032, 78275.5, 79148, 81254, 84040, 84040.5, 84040.6, 84362, 84754, 84758, 87164, 87482.4, 88550, 89030.1, 89343, 89720, 89753, 99105, 99155, 99182, and 99240 of the Education Code.

(4) Sections 3032, 17600, and 17602 of the Family Code.



(5) Sections 411, 2281, 12794.5, 13144, and 13152 of the Food and Agricultural Code.

(6) Sections 965.4, 965.65, 3541.3, 7085, 7299.4, 7299.6, 7504, 8169.5, 8245, 8878.97, 9148.4, 11017.5, 11678, 12010.6, 12017, 12020, 12021, 12080.2, 12170, 12174, 12329, 12439, 12460, 12461, 12461.1, 12463, 12463.1, 12463.3, 12468, 12522, 12741, 12803.2, 13308, 13337, 13405, 14051, 14524.16, 14525.5, 14535, 14536, 14840, 15320, 15323.5, 15335.11, 15363.73, 15399.45, 15901, 16725, 16759, 16855, 17570, 17600, 17601, 19237, 19405, 19683, 19702.5, 19705, 19792.5, 19793, 19795, 19816.20, 19826, 19827.2, 19849.11, 19994.20, 19996.21, 19996.40, 20194, 20208, 20228, 20232, 20233, 20235, 20236, 20237, 20238, 20398, 20405.1, 21499, 22791, 22840.3, 30063, 53084, 53299, 65048, 65400, 68511, 68513, 68563, 68604, 75089.1, and 77209 of the Government Code.

(7) Sections 900, 901, 1266.1, 1276.4, 1316.5, 1342.3, 1347, 1357.16, 1367.695, 1371.37, 1371.38, 1371.39, 1374.36, 1380.1, 1438, 1596.872a, 1596.872b, 1797.98b, 1797.121, 1799.204, 11495, 11756.8, 11970.2, 18502.5, 18870.3, 26203, 33426.7, 35815, 40448.5.1, 40452, 42860, 44525.6, 50199.15, 50408, 50452, 50459, 50834, 51005, 51454, 51622, 53305, 53311, 59019, 101950, 104187, 104315, 108923, 115255, 116095, 116355, 116365.5, 127365, 128725, 128735, 128736, 128737, 128740, 128745, 128748, 128750, 128755, 129045, and 129075 of the Health and Safety Code.

(8) Sections 742.435, 1060, 1067.13, 1758.994, 1872.96, 10089.13, 10089.27, 10089.84, 10123.84, 11751.51, 11805, 11860, 12693.92, 12693.93, 12922, 12961, and 12962 of the Insurance Code.

(9) Sections 77, 90.5, 98.75, 111, 147.2, 1143, 3073.5, 3201.5, 3716.5, 3729, 5502, 6330, 7316, 7384, and 7722 of the Labor Code.

(10) Sections 73.5, 179, 974.5, 999.7, and 1012.5 of the Military and Veterans Code.

(11) Sections 628.2, 629.62, 6031.2, 7445, 10359, 13010, 13010.5, 13012, 13012.5, 13014, and 13519.4 of the Penal Code.

(12) Sections 10115.5, 10359, 10722, and 20133 of the Public Contract Code.

(13) Sections 2797, 3258, 4515, 4612, 5090.32, 5653, 21080.5, 30012, 30342, 30519.5, 30533, 36980, 36994, 42885.5, 42889.3, 42889.4, 71211, 71212, 71271, and 71300 of the Public Resources Code.

(14) Sections 316.5, 389, 873, 2881, 3346, 99243, and 132352.6 of the Public Utilities Code.

(15) Sections 1647, 1648, 1649, 6377, 17053.49, and 23649 of the Revenue and Taxation Code.



(16) Sections 164.56, 188.5, and 2154 of the Streets and Highways Code.

(17) Sections 329, 832, 995, 2614, 4901, 9600, 9616, 9616.1, 9617, 9907, 10004, 10205, 10532, 11011, 11014, 12141, 15037, 15064, 15079, and 17002 of the Unemployment Insurance Code.

(18) Sections 1821 and 23249 of the Vehicle Code.

(19) Sections 73502, 73505, 79421, and 81674 of the Water Code.

(20) Sections 209, 4024, 4109.5, 4365.5, 4429, 4430, 4432, 4540, 4565, 4681.1, 4691, 4696.1, 4836, 5613, 5772, 5814, 10090, 10822, 10823, 11329, 11373, 11462, 12301.6, 13913, 14026.5, 14051, 14067, 14085.5, 14100.5, 14120, 14124.12, 14126.80, 14132, 14133.9, 14148.8, 14148.91, 14161, 14165.9, 14459.5, 14459.7, 14501, 15204.4, 15204.8, 16206, 16981, 16996.2, 18236, 19106, 19356.6, and 25003 of the Welfare and Institutions Code.

(21) (A) Statutes of 2003—Section 2 of Chapter 896, Section 1 of Chapter 795, and Section 24.60 of Chapter 157.

(B) Statutes of 2001—Section 53.5 of Chapter 171 and Section 24.60 of Chapter 106.

(C) Statutes of 2000—Section 2 of Chapter 913, Section 3 of Chapter 902, Section 1 of Chapter 457, Section 8 of Chapter 403, and Section 24.60 of Chapter 52.

(D) Section 1 of Chapter 5 of the Statutes of 1999–2000 First Extraordinary Session.

(E) Statutes of 1999—Section 2 of Chapter 973, Section 2 of Chapter 954, Section 2 of Chapter 402, Section 2 of Chapter 337, and Section 1 of Chapter 195.

(F) Statutes of 1998—Section 1 of Chapter 1051, Section 55 of Chapter 329, Section 75 of Chapter 311, and Resolution Chapter 113.

(G) Statutes of 1997—Section 69 of Chapter 854, Section 7 of Chapter 813, Section 13 of Chapter 812, Section 12 of Chapter 812, and Section 2 of Chapter 767.

(H) Statutes of 1996—Section 55 of Chapter 954, and Section 6 of Chapter 69.

(I) Statutes of 1995—Section 7 of Chapter 789.

(J) Statutes of 1992—Section 6 of Chapter 1068.

(K) Statutes of 1991—Section 13 of Chapter 760.

(L) Statutes of 1989—Section 6 of Chapter 1306, Section 10 of Chapter 1071, and Resolution Chapter 174.

(M) Statutes of 1988—Section 2 of Chapter 1495, Section 3 of Chapter 1397, Section 60 of Chapter 973, Section 59 of Chapter 973, and Section 1 of Chapter 659.

(N) Statutes of 1987—Section 7 of Chapter 136.



(22) Statutes of 1969—Section 127 of Chapter 209, as amended by Chapter 155 of the Statutes of 2004.

(23) Items 0250-101-0001, 0450-101-0932, 0820-001-0001, 0840-001-0001, 0845-001-0217, 2240-001-0933, 2240-109-0001, 2240-112-0001, 2400-001-0933, 4170-001-0001, 4280-112-0236, 4440-001-0001, 5100-001-0870, 5100-311-0690, 5180-101-0001, 6110-156-0890, 6110-485-0001, 6870-101-0001, and 8960-011-0001 of Section 2.00 of the Budget Act of 2000.

(24) Section 6 of Article VI of the California Constitution.

(25) All reports pertaining to Item 6610-001-0001 required in the Legislative Analyst's Office's Supplemental Report of the Budget Act of 2002.

(26) Any report required by a bill that was approved by the Senate Committee on Transportation on or after January 1, 1999.

(27) Any report that is required to be submitted to the Joint Legislative Audit Committee.

(28) All reports statutorily required to be prepared by the California Environmental Protection Agency or its boards, departments, or offices.

(29) Any report required by any law enacted on or after January 1, 2003.

(d) This section may not be construed to require resubmission of a one-time report that is required by statute if that report already has been submitted as required.

(e) This section may not be construed to interfere with an exclusive representative's right to request or receive information related to its representation of state and California State University employees under Chapter 10.3 (commencing with Section 3512) and Chapter 12 (commencing with Section 3560). A public agency shall not use this section to justify the denial of information under those provisions.

(f) Paragraph (28) of subdivision (c) shall become operative only if Assembly Bill 2701 of the 2003–04 Regular Session is enacted and becomes operative.

(g) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

A drastic reduction in state resources available for the preparation and submission of written reports to the Legislature and the Governor requires that this act take effect immediately.

